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EXAMINER OREILLY, PATRICK F				
ART UNIT		PAPER NUMBER		
3749				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/583,551

Applicant(s)

STEFANI, GIOVANNI

Examiner

Patrick F. O'Reilly III

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 10-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 9/27/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Certified copies of the priority documents have been received.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on September 27, 2006 is acknowledged. The submission is in compliance with the provisions of 37 C.F.R. § 1.97 and 37 CFR § 1.98 and, therefore, the references therein have been considered.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “tubular body mounted in a *fixed position*” recited in claim 11, and the “*handle* provided on the tubular body” recited in claim 15, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

On page 2 of the specification, in lines 22-23, the references to claim 1 should be deleted. In general, the specification should not contain specific references to claim numbers because these numbers often change during the course of prosecution, such as, when claims are added or amended.

On page 4 of the specification, in line 1, "Figure 1" is referred to when the "two limit positions" of the "tubular body 5" are being described. However, the examiner believes that "Figure 2" should be referred to in this line, rather than "Figure 1".

On page 6 of the specification, in line 5, the word "form", which immediately follows the word "starts", should be changed to the word "from".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 12-16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 12 recites the limitation “the ventilation outlets are mounted in a *fixed position* (emphasis added)” in line 2 of this claim. The use of this limitation renders this claim indefinite because it uncertain whether this limitation only requires the ventilation outlets to be fixed *relative* to the *tubular body*, or conversely, whether the limitation requires the ventilation outlets to be fixed *relative* to the *passenger compartment* of the vehicle in general. Consequently, because the language used in this limitation is ambiguous, one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of an examination on the merits, the examiner has considered “mounted in a fixed position” to mean “mounted in a fixed position *relative* to the *tubular body*”.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 10 and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by Galaniuk (US 3,659,515). The specification and the drawings in the Galaniuk reference disclose all of the elements recited in **claims 10 and 11** of this application.

11. Specifically, in regard to claim 10, the Galaniuk reference discloses all of the claimed elements, including: an air-treatment unit (air moving and handling system, which provides

heated air to the car interior); a series of ventilation outlets (e.g., ventilation apertures 34, 36, 38, 40) distributed inside the passenger compartment and connected to the air-treatment unit (air moving and handling system); a tubular body (e.g., a first cylindrical tube 16) set in a bottom portion of the passenger compartment (e.g., in a lower portion of the instrument panel) which includes an internal pipe (cylindrical tube 16, which is mounted internally in the passenger compartment) communicating with the air-treatment unit (air moving and handling system) via duct (14) and a plurality of ventilation outlets (34, 36, 38, 40) mounted on an inner side surface of the tubular body (16) itself, the ventilation outlets (34, 36, 38, 40) being mounted on the tubular body (16) to be configured to oscillate about a longitudinal central axis of the tubular body (16) itself (e.g., by rotating operating lever 44). Refer to Galaniuk, Figures 1-6; column 1, lines 4-10; column 2, lines 27-75; and column 3, lines 1-25. Therefore, because all of the elements in claim 10 of this application are disclosed by the Galaniuk reference, this claim is rejected in accordance with 35 U.S.C. 102(b).

12. In regard to claim 11, Galaniuk further discloses that the tubular body (e.g., a first cylindrical tube 16) is mounted in a fixed position (cylindrical tube 16 is stationarily mounted within the passenger compartment), and the ventilation outlets (e.g., ventilation apertures 34, 36, 38, 40) are mounted on the inner side surface of the tubular body (16) to be configured to oscillate about the longitudinal central axis of the tubular body (16) itself (e.g., by rotating operating lever 44). See Galaniuk, Figures 1-6; column 2, lines 34-36 and 64-71. Thus, Galaniuk meets the language of this claim.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 10, 12, and 15-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Price (US 1,502,745) in view of Brown (US 6,083,099). These two references, when considered together, teach all of the elements recited in **claims 10, 12, and 15-18** of this application.

15. In particular, claim 10 of this application is obvious when Price is viewed in light of Brown. Price discloses the invention substantially as claimed, including: a ventilating unit (blower 7); a series of ventilation outlets (series of discharge apertures 24) distributed inside the passenger compartment (see Fig. 1) and connected to the ventilating unit (7); a tubular body (cylindrical air pipe 23) set in a bottom portion of the passenger compartment (e.g., in a lower portion of the instrument panel 5 – Fig. 1) which includes an internal pipe (air pipe 23, which is mounted internally in the passenger compartment and behind the instrument panel 5) communicating with the ventilating unit (7) and a plurality of ventilation outlets (24) mounted on a side surface of the tubular body (23) itself, the ventilation outlets (24) being mounted on the tubular body (23) to be configured to oscillate about a longitudinal central axis of the tubular body (23) itself (e.g., by rotating handle 25). Refer to Price, Figures 1-2 and 7; page 1, lines 50-52 and 85-110; and page 2, lines 1-16.

However, claim 10 of this application further discloses an air-treatment unit that is connected to the internal pipe of the tubular body and the ventilation outlets. Price does not contain this additional limitation.

Brown, although, teaches an air-treatment system for a vehicle having an air-conditioning evaporator (15) for cooling the air, a heater unit (16) for heating the air, and a series of air supply ducts (34, 35, 36) that are fluidly connected to the air-conditioning evaporator (15) and the heater unit (16) for the purpose of distributing conditioned air to the interior compartment of the vehicle so as to improve the comfort of the passengers residing therein. See Brown, Figures 3-4 and column 2, lines 18-48. Therefore, when Price is viewed in light of Brown, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle cooling apparatus of Price by providing an air-treatment unit, which includes both an air-conditioning evaporator (15) and a heater unit (16), in fluid communication with the tubular body and the ventilation outlets, as taught by Brown, in order to distribute conditioned air (i.e., heated and cooled air) to the interior compartment of the vehicle so as to improve the comfort of the passengers residing therein.

16. In regard to claim 12, Price further discloses that the ventilation outlets (series of discharge apertures 24) are mounted in a fixed position on the side surface of the tubular body (cylindrical air pipe 23), and the tubular body (23) is mounted to be configured to oscillate about its longitudinal central axis (e.g., by rotating handle 25). Refer to Price, Figures 1-2 and 7; page 1, lines 85-106. Therefore, Price in view of Brown also renders the limitations set forth in this claim obvious.

17. In regard to claim 15, Price further discloses that the tubular body (cylindrical air pipe 23) includes a handle (25) configured to be grasped by a user for imparting on the tubular body (23) itself an oscillation about its own longitudinal axis. See Price, Figure 7; page 1, lines 99-

106. Consequently, Price in view of Brown also renders the limitations set forth in claim 15 obvious.

18. In regard to claim 16, the modified vehicle cooling apparatus of Price further teaches that the tubular body (cylindrical air pipe 23) includes a first open end (e.g., at revoluble union 22) in communication with the air-treatment unit by a pipe (e.g., air pipe 20) which is mounted in a fixed position and has one end thereof slidably coupled (at revoluble union 22) to a first end of the tubular body (23). Refer to Price, Figures 1-2 and 7; page 1, lines 85-106. Thus, Price in view of Brown also renders the limitations set forth in claim 16 obvious.

19. In regard to claim 17, the modified vehicle cooling apparatus of Price further teaches that the tubular body (cylindrical air pipe 23) includes one first open end (e.g., at revoluble union 22) in communication with the air-treatment unit via air pipe (20) and one second closed end (as shown in Figs. 2 and 7) opposite to the first end; and in a position corresponding to the first end, the tubular body (23) comprising a regulation member (butterfly valve 26) configured to vary a size of a section of passage of air between a minimum value (e.g., fully closed position) and a maximum value (e.g., fully open position). See Price, Figures 1-2 and 8; page 1, lines 85-110; and page 2, lines 1-16. Therefore, Price in view of Brown also renders the limitations set forth in this claim obvious.

20. In regard to claim 18, the modified vehicle cooling apparatus of Price further teaches that the tubular body (cylindrical air pipe 23) is arranged in a position (e.g., in a lower portion of the instrument panel 5 – Fig. 1) corresponding to a set of pedals of the vehicle. Refer to Price, Figures 1-2; page 1, lines 85-110; and page 2, lines 1-16; also refer to Brown, Figure 4 (provides evidence that the pedals, e.g., brake pedal 67, are also provided at the lower portion of the

instrument panel 28). Consequently, Price in view of Brown also renders the limitations set forth in claim 18 obvious.

21. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Price (US 1,502,745) in view of Brown (US 6,083,099) as applied to claim 12 above, and further in view of Seacord (US 1,799,327). These three references, when considered together, teach all of the elements recited in **claim 13** of this application.

22. In particular, claim 13 of this application is obvious when Price is viewed in light of Brown, and further viewed in light of Seacord. As described above, Price, as modified by Brown, teaches all the elements of base claim 12, the claim upon which this claim depends. Moreover, Price further discloses that a bearing-type connection (at revoluble union 22) between the rotatable tubular body (cylindrical air pipe 23) and the stationary air pipe (20). Refer to Price, Figures 2 and 7; page 1, lines 90-106. However, claim 13 of this application further discloses that the tubular body is supported by a wall of the passenger compartment by interposition of a pair of bearings, which are fixed to two respective brackets connected to the wall. Price, as modified by Brown, does not contain these additional limitations. Seacord, although, teaches a ventilating apparatus for a vehicle, comprising a semi-cylindrical body (closure member 12) that is supported by a wall (5) of the passenger compartment by interposition of a pair of bearings (housing members 9 with bearing rings 13 disposed therein), which are fixed to two respective brackets (10) connected to the wall (5), for the purpose of securely supporting the semi-cylindrical body (12) in the passenger compartment, while still permitting rotation at its longitudinal axis. See Seacord, Figures 1 and 3; page 1, lines 52-56. Therefore, when Price is viewed in light of Brown, and further viewed in light of Seacord, it

would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle cooling apparatus of Price in view of Brown by supporting the tubular body (23) from a wall of the passenger compartment using a pair of bearing and bracket assemblies (9, 10, 13), as taught by Seacord, in order to securely support the tubular body (23) in the passenger compartment, while still permitting rotation about its longitudinal axis.

23. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Price (US 1,502,745) in view of Brown (US 6,083,099) as applied to claim 12 above, and further in view of Sallou (US 2,814,978). These three references, when considered together, teach all of the elements recited in **claim 14** of this application.

24. In particular, claim 14 of this application is obvious when Price is viewed in light of Brown, and further viewed in light of Sallou. As described above, Price, as modified by Brown, teaches all the elements of base claim 12, the claim upon which this claim depends. However, claim 14 of this application further discloses that the oscillation of the tubular body about its longitudinal axis occurs against a given force of friction, which maintains the tubular body immobile in a given angular position in the absence of action of external forces. Price, as modified by Brown, does not explicitly teach this additional limitation. Sallou, although, teaches a rotatable air discharge device having an adjustable air nozzle member (3) that is rotatably mounted within a circumferential fitting (e.g., including half sections 11, 12), wherein the circumferential fitting (11, 12), by reason of its frictional engagement with the air nozzle member (3), holds the air nozzle member (3) in position so that it is capable of maintaining its various positions of adjustment with a high degree of accuracy. Refer to Sallou, Figures 1 and 4; column 3, lines 5-12. Therefore, when Price is viewed in light of Brown, and further viewed in

light of Sallou, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle cooling apparatus of Price in view of Brown by providing a given force of friction (e.g., between the tubular body (23) and the revoluble union (22)) that maintains the tubular body (23) immobile in a given angular position in the absence of external forces acting thereon, as taught by Sallou, in order to permit the tubular body (23) to maintain its various positions of adjustment with a high degree of accuracy. See Sallou, column 3, lines 5-12.

Conclusion

25. See attached form PTO-892 for additional pertinent prior art, which was not directly relied upon in this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick F. O'Reilly III whose telephone number is (571) 272-3424. The examiner can normally be reached on Monday through Friday, 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F. O'Reilly III/
Examiner, Art Unit 3749

/Steven B. McAllister/
Supervisory Patent Examiner, Art Unit 3749